

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PARTEC AG and BF EXAQC AG,

Plaintiffs,

vs.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 2:24-cv-00433-RWS-RSP

JURY TRIAL DEMANDED

**DECLARATION OF ALEXANDER W. AIKEN
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO MICROSOFT'S
MOTION FOR A STAY PENDING RESOLUTION OF *INTER PARTES* REVIEW**

I, Alexander W. Aiken, hereby declare and state as follows:

1. I am over the age of eighteen and, if called as a witness, could competently testify to the matters set forth herein.
2. I am an attorney at Susman Godfrey L.L.P., which is counsel for Plaintiffs in the above-captioned matter. I am a member in good standing of the Washington State and New York State bars and am admitted to practice in the Eastern District of Texas.
3. I make this declaration in support of Plaintiffs' Opposition to Microsoft's Motion for a Stay Pending Resolution of *Inter Partes* Review.
4. Discovery has been ongoing in this case for almost a year. In that time, and as of Microsoft's Motion, Plaintiffs reviewed and produced 273,412 documents, while Microsoft reviewed and produced 61,764 documents, as well as source code. The parties have served and responded to 54 interrogatories and eight requests for admission. Microsoft has served six subpoenas seeking discovery from third parties and has received and produced approximately 5,000 documents in response. Microsoft has also issued fifteen letters rogatory seeking discovery

from additional third parties not subject to subpoena, which multiple courts in foreign jurisdictions have expended the time and resources responding to and setting certain deadlines for discovery. The parties have participated in approximately twenty meet and confers and exchanged extensive correspondence, both emails and letters, concerning discovery.

5. As of today, the parties have taken four depositions. Plaintiffs took an ESI 30(b)(6) deposition of Microsoft on February 11, and Microsoft took an ESI 30(b)(6) deposition of Plaintiffs on March 18. Plaintiffs deposed Microsoft employee Kishore Vuyyuru on August 22 and Microsoft employee Michael Requa on August 27. A fifth deposition—of ParTec employee Simon Pickartz—is scheduled for next week. The examinations of three foreign witnesses are currently scheduled for October 13, October 29, and December 16.

6. Attached are true and correct copies of the following documents (with highlighting added for the convenience of the Court):

Ex.	Description
1	Excerpts of Microsoft's Opposition to ParTec's Bifurcated Discretionary Denial Briefing in IPR2025-00318.
2	Excerpts of Defendant Microsoft's Supplemental Invalidity Contentions, dated March 6, 2025.
3	Excerpts of the March 18, 2025 deposition transcript of Plaintiffs' corporate designee on ESI topics, Maximilian von Mettenheim.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 2, 2025, in Seattle, Washington.

/s/ Alexander W. Aiken
Alexander W. Aiken